

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 MICHAEL MORSE, a/k/a Michael  
Morrison,

12 Defendant.

CASE NO. CR13-5185BHS

ORDER

13 This matter comes before the Court on the parties Emergency Stipulated Motion to  
14 Continue the Trial Date. The Court, having considered the stipulated motion and the subjoined  
15 declaration of Assistant United States Attorney Bruce Miyake, and being familiar with the entire  
16 file makes the following findings of fact and conclusions of law:

17 1. A continuance of the trial date is necessary to allow the defense adequate  
18 time to explore legal issues related to Defendant's status as a potential Armed Career Offender,  
19 which impacts the Defendant's sentencing exposure.

20 2. Two of the government's witnesses are unavailable for the current trial date of  
21 September 2, 2014, and defense counsel is scheduled to start an aggravated murder trial in  
22 October, 2014.

1       3. The defense needs additional time to explore all relevant issues and defenses  
2 applicable to the case, which would make it unreasonable to expect adequate preparation for  
3 pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act  
4 and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

5       4. Taking into account the exercise of due diligence, a continuance is necessary to allow  
6 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
7 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §  
8 3161(h)(7)(B)(iv).

9       5. Proceeding to trial absent adequate time for the defense to prepare would result in a  
10 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

11       6. The ends of justice served by granting this continuance outweigh the best interests of  
12 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

13       7. Defendant waived speedy trial through January 31, 2015.

14       NOW, THEREFORE, IT IS HEREBY ORDERED

15       That the trial date is continued from September 2, 2014, to December 9, 2014, at 9:00  
16 a.m. Pretrial Conference is set for December 1, 2014, at 2:30 p.m. Pretrial motions are due by  
17 October 29, 2014. The resulting period of delay from August 21, 2014, December 9, 2014, is  
18 hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

19       Dated this 26<sup>th</sup> day of August, 2014.

20  
21 

22  
BENJAMIN H. SETTLE  
United States District Judge